

AMENDED IN SENATE APRIL 24, 2003

Senate Concurrent Resolution

No. 11

Introduced by Senator Soto

February 18, 2003

Senate Concurrent Resolution No. 11—Relative to HIV and AIDS drug treatment.

LEGISLATIVE COUNSEL'S DIGEST

SCR 11, as amended, Soto. HIV and AIDS drug treatment: public pensions.

This measure would encourage the governing bodies of the public pension and retirement systems of this state, in their capacities as shareholders of pharmaceutical companies that develop HIV and AIDS drug treatments, to introduce, *whenever consistent with their fiduciary responsibilities*, a shareholder resolution to develop and implement a policy, in consultation with the appropriate United Nations agencies and independent nongovernmental organizations, to provide HIV and AIDS drug treatments in a manner that would make those treatments affordable to those infected in lesser developed countries.

Fiscal committee: no.

1 WHEREAS, 8,500 people die every day from acquired immune
2 deficiency syndrome (AIDS) despite the existence of
3 pharmaceutical treatments that have drastically reduced deaths in
4 the United States and other developed nations; and

5 WHEREAS, Human immunodeficiency virus (HIV) and AIDS
6 ~~is the leading killer~~ *are the leading killers* in sub-Saharan Africa,
7 home to only 10 percent of the world's population, but 70 percent
8 of the world's HIV and AIDS cases; and

1 WHEREAS, The United Nations reports that in 2001, alone,
2 more than 2,400,000 people in Africa died of HIV and AIDS; and

3 WHEREAS, A recent study by Doctors Without Borders
4 concluded that; in industrialized countries where HIV and AIDS
5 patients receive drug therapy,— AIDS-related mortality has
6 decreased by more than 70 percent; and

7 WHEREAS, Unfortunately, these life-prolonging treatments
8 remain largely out of reach for most of Africa's population due to
9 the high prices of these drugs; and

10 WHEREAS, Certain pharmaceutical companies' reaction to the
11 HIV and AIDS epidemic in developing countries has been
12 insufficient, and significant restrictions have been imposed on the
13 donation and importation of critical drugs to HIV and AIDS
14 patients in Africa and developing world nations; and

15 WHEREAS, For example, one pharmaceutical manufacturer
16 attempted to impose time limits on the use of a particular
17 life-extending drug, even though that drug must be used over a
18 patient's entire lifetime; and

19 WHEREAS, These restrictions were unacceptable to the South
20 African government, and the South African Medicines Control
21 Council has recently given permission for the importation of a
22 generic equivalent of the drug; and

23 WHEREAS, The public pension and retirement systems of this
24 state have invested billions of dollars in the major manufacturers
25 of HIV and AIDS drug treatments that can prolong the lives of
26 individuals living with this disease; now, therefore, be it

27 *Resolved by the Senate of the State of California, the Assembly*
28 *thereof concurring,* That the Legislature and the State of California
29 encourages the governing bodies of the public pension and
30 retirement systems of this state, in their capacities as shareholders
31 of pharmaceutical companies that develop HIV and AIDS drug
32 treatments, to introduce, *whenever consistent with their fiduciary*
33 *responsibilities,* a shareholder resolution to develop and
34 implement a policy, in consultation with the appropriate United
35 Nations agencies and independent nongovernmental
36 organizations, to provide HIV and AIDS drug treatments in a
37 manner that would make those treatments affordable to the
38 majority of those infected with HIV and AIDS in lesser developed
39 countries; and be it further



1 *Resolved*, That the Secretary of the Senate transmit a copy of
2 this resolution to each member of a retirement board, as described
3 in Section 17 of Article XVI of the California Constitution.

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